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Attorneys for Defendant Daniel Hardy

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ARCH INSURANCE COMPANY
a foreign corporation,

Plaintiff,

vs.

SCOTT THAYER and CINDY THAYER,
natural parents and wrongful death
heirs of the deceased, COLE THAYER,
and DANIEL HARDY,
an individual,

Defendants.

Case No. 2:23-cv-00370-CDS-EJY

**REQUEST TO REASSIGN
DIVISIONS
(Local Rule IA 1-6)**

To: Defendants SCOTT THAYER and CINDY THAYER and their counsel
of record WILLIAM W. McGAHA, Esq. of SCHUETZE, McGAHA, TURNER &
FERRIS PLLC:

Arch Insurance Company, a foreign corporation (Arch), filed this
interpleader action, depositing \$1 million (the res) in underinsured motorist (UIM)
benefits with the court and asked to be dismissed. The court granted Arch's
request and the \$1 million is now deposited with the registry of the court. The
remaining parties' claims to the res arise out of a trucking collision that occurred
outside of Austin, Nevada and Lander County. Cole Thayer was killed in the
collision and Daniel Hardy sustained injuries. Scott and Cindy Thayer, Cole
Thayer's parents, claim entitlement to the res by virtue of their position as Cole
Thayer's heirs under Nevada's wrongful death statute found at NRS 41.085.

1 This action was filed in the Southern division by Arch's counsel,
2 undoubtedly as a matter of his own convenience. There is nothing in this
3 interpleader action that has any connection with the Southern Division other than
4 it is where the Thayer's counsel resides. All of the connections with this
5 interpleader action involve Lander and Washoe Counties which are within the
6 Northern Division of this District Court.

7 Indeed, the collision giving rise to all of the parties' claims occurred in
8 Lander County (Northern Division). All of the parties in this interpleader action
9 reside in Lander County (Northern Division). Arch, a foreign insurer, now
10 dismissed, issued the UIM policy to Ormat Technologies, Inc., a Delaware
11 corporation, with its principal place of business in Washoe County (Reno, Nevada)
12 (Northern Division).

13 The related consolidated tort action *Hardy et al. v. Bhpinder Singh*, Case
14 No. 3:23-cv-00207-ART-CSD has been transferred to the Northern Division. All
15 discovery, discovery disputes, motions and hearings will deal with and affect the
16 parties who reside in the Northern Division. To the extent there is any interplay
17 between the tort action and this action, the Northern Division should be the one to
18 deal with such issues.

19 There are important issues regarding the proposed discovery plan and
20 scheduling order that will be currently before the court. These issues should be
21 addressed by the Northern Division, just as they are being handled by the
22 Northern Division in the tort action.

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1 It is for this reason that claimant Daniel Hardy requests that the court
2 defer any action on the proposed discovery plan and scheduling order until this
3 matter is reassigned to the Northern Division.

4 Dated this 15th day of April, 2024.

6 JENSEN PERSONAL INJURY LAW, LLC

8 /s/ Robert R. Jensen

9 ROBERT R. JENSEN
10 222 California Ave.
Reno, NV 89509

11 *Attorneys for Claimant Daniel Hardy*

CERTIFICATE OF SERVICE

Pursuant to Fed R. Civ. P. 5(b), I certify that I am an employee of JENSEN PERSONAL INJURY LAW, LLC and that on this date I served a true and correct copy of the preceding documents addressed to the following:

William W. McGaha, Esq.
Schuetze, McGaha, Turner & Ferris, PLLC
601 South Rancho Drive, Suite C-20
Las Vegas, Nevada, 89106

Attorney for Defendants Scott Thayer and Cindy Thayer

☐ BY U.S. MAIL: I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the preceding documents at Reno, Nevada in the ordinary course of business.

☐ VIA EMAIL

☐ BY PERSONAL SERVICE: An employee of Jensen Personal Injury Law, LLC personally delivered the preceding documents by hand delivery to the offices of the address named above.

☐ BY MESSENGER SERVICE: Reno Carson Messenger Service received from Jensen Personal Injury Law, LLC the preceding documents for delivery to the offices of the address named above.

☒ BY ELECTRONIC FILING (CM/ECF)

Dated this 15th day of April, 2024.

/s/ Emma Woodworth
Emma Woodworth